

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/918,503

ATTORNEY DOCKET NO. Q65395

AMENDMENTS TO THE DRAWINGS

Please find attached new Figs. 1 and 2.

Attachment: New Sheets (2)

REMARKS

As a preliminary matter, claim 14 is objected to for the reasons set forth on page 2 of the supplemental Final Office Action. Applicant amends claim 14, as indicated herein, and Applicant believes that this amendment obviates the Examiner's objection to claim 14.

Also, the Examiner alleges that it is necessary to provide drawings in order to allow a person of ordinary skill in the art to fully grasp the scope of the present invention. Applicant submits the enclosed new Figs. 1 and 2, which respectively show communications between a terminal and mainframe, for example, according to an exemplary embodiment of the present invention and a process of supplying a service or application to a terminal. No new matter is added.

Yet further, the Examiner still objects to the Title, even though it was amended in the previously filed Amendment dated February 4, 2005. The Examiner recommends changing the Title to, "Method of Supplying Alternative Quality of Service Management Utilizing User Selection to Override Pre-Allocated Quality of Service Categories During a Connection." Although Applicant believes that the Title, as amended in the previous amendment, accurately reflects the spirit and nature of the invention, in an effort to advance prosecution, Applicant utilizes a portion of the Examiner's suggested title, and amends the title to read, "Method of Supplying Alternative Quality of Service Management Utilizing User Selection During a Connection."

Formal Matters

Claims 1-16 are all the claims pending in the present application. The Examiner maintains many of the previous rejections set forth in the initial non-final Office Action dated

November 4, 2004, and adds a few new arguments as set forth in the supplemental Final Office Action and initial Final Office Action. Specifically, claims 11 and 12 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 11, 12, and 16 are rejected under 35 U.S.C. § 101 because these claims are allegedly directed to non-statutory subject matter. Claims 1-3, 6, 8-11, and 13-16 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hattori et al. (U.S. Patent No. 6,094,674). Claims 4 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hattori in view of Yamamura et al. (U.S. Patent No. 6,028,838). Claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hattori in view of Yamato et al. (U.S. Patent No. 6,094,431). Finally, claim 12 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hattori in view of How Networks Work.

§ 112, Second Paragraph, Rejections - Claims 11, 12, and 14

Claims 11 and 12 are rejected for the same reasons set forth in the initial non-final Office Action dated November 4, 2004, and the Examiner adds new arguments in the *Response to Arguments* section of the initial Final Office Action. The Examiner also rejects claim 14 for the reasons set forth on pages 2-3 of the supplemental Final Office Action.

Applicant does not believe that claims 11 and 12 are indefinite, however, in an effort to advance prosecution, Applicant amends claim 11, as indicated herein, in accordance with the Examiner's suggestion at the bottom of numbered paragraph twelve (12) of the supplemental Final Office Action.

Further, with respect to claim 12, Applicant reiterates that claim 12 does not define a terminal as a cable modem, personal computer, telephone, television set, radio station or a

mobile radio unit; claim 12 recites that a terminal comprises at least one of a cable modem, a personal computer, a telephone, a television set, a radio station and a mobile radio unit. Thus, the Examiner's allegations are not supportable.

With respect to dependent claim 14, Applicant amends this claim, as indicated herein, for clarification reasons, and Applicant believes that this amendment obviates the Examiner's rejection of claim 14 under 35 U.S.C. § 112, second paragraph. Applicant submits that the features of claim 14 further limit those set forth in claim 1, therefore there is differentiation between the features of claim 14 and those of claim 1.

§ 101 Rejections - Claims 11, 12, and 16

With respect to claims 11, 12, and 16, Applicant amends claims 11 and 16, as indicated herein, and believes that these amendments obviate the Examiner's rejections under 35 U.S.C. § 101.

§ 102(e) Rejections (Hattori) - Claims 1-3, 6, 8-11, and 13-16

The Examiner rejects claims 1-3, 6, 8-11, and 13-16 for substantially the same reasons set forth in the initial non-final Office Action, and adds new arguments in the *Response to Arguments* section in the initial Final Office Action. Specifically, the Examiner makes new arguments in numbered paragraph sixteen (16) on page 11 of the initial Final Office Action.

With respect to independent claims 1, 6, 9, and 13, Applicant maintains the arguments set forth in the Amendment dated February 4, 2005. That is, Applicant maintains that Hattori does not disclose or suggest at least, "linking a service required by a customer or an application required by the customer *to a QoS category selected by the customer*"; and supplying the required service or the required application to the customer with the QoS category selected by the

customer.” The Examiner cites Hattori col. 3, lines 36-53 and col. 4, lines 36-67 for teaching this aspect of claim 1. However, the respective column and lines cited by the Examiner disclose the registering of functions and performance information in a table and information is supplied to a user according to the information registered in the table. Further, Hattori discloses information processing apparatuses having a QOS table to which information of functions and performance is registered, a network for connecting the plural information processing apparatuses to each other, a local directory connected to the network for controlling a plurality of QOS tables in a unit of local areas.

However, there is no indication that a service required of a customer is linked to a QOS category selected by the customer. Further, there is no indication that the service is supplied to the user according to the QOS category selected by the customer. Hattori appears to disclose that QOS information registered in a table is performed for a particular service. For at least this reason, claim 1 should be deemed patentable. Since claims 6, 9 and 13 recite similar elements, claims 6, 9 and 13 should be deemed patentable for the same reasons.

Applicant submits that the dependent claims 2, 3, 8, 10, 11, and 14-16 are patentable at least by virtue of their respective dependencies.

Further, with respect to claim 14, Applicant submits that Hattori does not teach or suggest at least, “designating all services and applications with a QoS category personally selected by a customer.” That is, as set forth in the previous Amendment, Hattori only discloses the registering of functions and performance information in a table and information is supplied to a user according to the information registered in the table, however, nowhere does Hattori disclose

“designating all services and applications with a QoS category...,” as recited in claim 14.

Therefore, Hattori does not anticipate claim 14.

§ 103(a) Rejections (Hattori/Yamamura) - Claims 4 and 7

Applicant maintains that claims 4 and 7 are deemed patentable by virtue of their dependency to claims 1 and 6. Yamamura does not make up for the deficiencies of Hattori.

§ 103(a) Rejection (Hattori/Yamato) - Claim 5

Applicant maintains that claim 5 should be deemed patentable by virtue of its dependency to claim 1 for the reasons set forth above. Yamato does not cure the deficiencies of Hattori.

§ 103(a) Rejection (Hattori/How Networks Work) - Claim 12

Applicant maintains that claim 12 should be deemed patentable by virtue of its dependency to claim 9. Moreover, assuming How Networks Work qualifies as prior art, it does not cure the deficiencies of Hattori.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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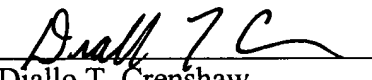
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